

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
V.)	Criminal No. 08-391
)	
BRIAN S. KUDALIS)	
a/k/a Brian Pilarski)	

ORDER OF COURT

AND NOW, this 12th day of November, 2009, upon consideration of the foregoing Unopposed Motion for Order Authorizing Defendant's Use of Laptop and Discs at the Allegheny County Jail, it is hereby ORDERED, ADJUDGED AND DECREED that said motion be and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the Federal Public Defender shall reproduce copies of the Rule 16 recordings as necessary to load said materials onto a laptop computer, and/or related equipment.

The Federal Public Defender shall load such application software as is necessary for inspecting and/or reviewing the Rule 16 materials, but no internet access, electronic mail, gaming or other application software may be placed onto said computers. The Rule 16 materials to be reproduced and loaded onto the computer held by the Allegheny County Jail are compact discs containing reproductions of recorded communications between Brian Kudalis and government agents.

After loading the discovery materials, the Federal Public Defender shall deliver such computer and related equipment to the Allegheny County Jail, which shall accept custody of such equipment and materials so that Brian Kudalis can have direct access to certain discovery materials.


The computers and all related equipment are and shall remain property of the Federal Public Defender and the Office of Defender Services, Administrative Office of the United States Courts.

Further, a representative of the Federal Public Defender's Office may be admitted to the ACJ to train the detained Brian Kudalis in the operation and use of the computers and any related equipment. After training, upon request of Brian Kudalis, ACJ shall release a computer containing the pre-loaded materials identified above to Brian Kudalis for inspection of discovery materials. Brian Kudalis may request a computer as often as necessary to complete the review, but upon completion of each inspection shall return the laptop to the custody of ACJ. ACJ may make reasonable rules and regulations governing Brian Kudalis's access to the computers, taking into consideration the volume of materials, Brian Kudalis's need to review the materials individually in a private area, ACJ's interest in maintaining security and order, and the importance of preserving the equipment in good

working order. To the extent practicable, Brian Kudalis shall be provided advance notice of any rules and regulations governing their computer access and use.

It is further ORDERED that use of said computer is authorized for the limited purpose of allowing Brian Kudalis to review the discovery materials. No other purpose is authorized. Brian Kudalis's request for use of the equipment and/or resources covered by this order, and any data, metadata, records or other technological information generated by a defendant's use of the equipment or resources made available under this Order is confidential and shall be protected against disclosure to the government by the attorney work product doctrine. See Fed. R. Crim. Pro., Rule 16(b)(2).

It is further ORDERED that upon the earlier of: (a) completion of the above-captioned proceedings or (b) release from detention of Brian Kudalis from the ACJ, ACJ shall return the computer equipment to the Federal Public Defender.



Gary L. Lancaster
Chief United States District Judge